

INFORMATION PAPER

SUBJECT: Gifts On Special Infrequent Occasions

1. PURPOSE. To summarize the Standards of Ethical Conduct and Joint Ethics Regulation rules concerning gifts between employees on special infrequent occasions.

2. FACTS.

a. Normally, government employees may not give, directly or indirectly, a gift or donation toward a gift for an official superior and an employee may not accept a gift from another employee receiving less pay than him/her. An exception to this general rule involves gifts given on special infrequent occasions.

b. Special infrequent occasions include occasions of personal significance such as marriage, illness, birth or adoption of a child, promotion (as long as the employee is being transferred out of the chain of command), and other occasions that terminate the subordinate-official relationship, such as retirement, resignation, or transfer.

c. Voluntary contributions of a nominal amount (may not exceed \$10) may be solicited. While donations exceeding \$10 may not be solicited, an individual may offer to contribute more. A solicited individual may decline to contribute.

d. To avoid improper pressure, it is recommended that no one keep a list of contributors. Preferably, the collection should be handled by someone junior in the organization, since a superior may not solicit a subordinate.

e. As a general rule, no matter how many people contribute to the gift, the value of the gift, or the aggregate value of all gifts, may not exceed \$300 in value.

f. However, when people choose to donate as part of a distinct group, each donating group may give a gift or gifts, the total value of which should not exceed \$300.00 in value. While different donating groups may each give a gift up to \$300.00 in value, donating groups may not pool their resources to purchase parts of a larger gift such as, but not limited to, the following: individual or separate place settings for a china set, individual or separate golf clubs to make a complete set, or having one group purchase a picture while another group purchases the frame.

g. In determining whether a particular donating group is appropriate, the decision of the Ethics Counselor is final.

h. The cost of food, refreshments, and entertainment provided to the DOD employee and his personal guests to mark the occasion for which the gift is given is not included in determining whether the value of a gift (or gifts) exceeds the \$300 limit. A voluntary contribution of a nominal amount for food, refreshments, and entertainment for the event may be solicited as a separate voluntary contribution.

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i. A gift to an employee's spouse is considered a gift to the employee, therefore the value of such a gift must be added to the value of the employee's gift in applying the \$300 limitation.

j. Sometimes a superior will designate a charity for people, wishing to give a gift, to make donations in lieu of a gift. This is impermissible.

3. CONCLUSION. Know the rules to avoid embarrassing the proposed recipient and the gift giver(s) and to avoid the need to report Standards of Conduct violations to Headquarters, Department of the Army. If you have questions concerning these rules, contact the Ethics Counselor in the Office of the Staff Judge Advocate, AMEDDC&S and Fort Sam Houston, at 221-2373/0485.